

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6283**

**BILL NUMBER:** SB 104

**NOTE PREPARED:** Dec 2, 2011

**BILL AMENDED:**

**SUBJECT:** Serious Sex Offenders.

**FIRST AUTHOR:** Sen. Mrvan

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

- A. *Serious Sex Offenders* - It defines "serious sex offender". It makes entry on school property by a serious sex offender a Class D felony.
- B. *New Circuit Court Clerk Responsibilities* – It provides that a serious sex offender is entitled to vote by mail. It requires a circuit court clerk to, before an election, notify serious sex offenders whose polling place is located on school property: (1) that a serious sex offender who knowingly or intentionally enters school property commits unlawful entry by a serious sex offender, a Class D felony; and (2) of other voting alternatives. It provides that a circuit court clerk may arrange transportation to a clerk's office, satellite office, or vote center for a serious sex offender whose polling place is located on school property.
- C. *DOC Responsibilities* – It requires the Department of Correction to inform a serious sex offender at the time of discharge from the Department: (1) that a serious sex offender who knowingly or intentionally enters school property commits unlawful entry by a serious sex offender, a Class D felony; and (2) of voting options for the serious sex offender.

**Effective Date:** July 1, 2012.

**Explanation of State Expenditures:** *New Crime* – A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,318 annually, or \$9.09 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in

Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

*DOC Responsibilities for Informing Sex Offenders* – DOC currently provides sex offenders with a series of instructions about their responsibilities when they are released from DOC. DOC should be able to inform these sex offenders about this new responsibility.

**Explanation of State Revenues:** *New Crime* – If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class D felony is \$10,000. However, any additional revenues would likely be small.

**Explanation of Local Expenditures:** *Clerk of the Circuit Court* – The added responsibilities of the Clerk of the Circuit Court will vary with the number of sex offenders residing in the county. The Indiana Sheriffs Association reports on November 2, 2011, there were 7,872 registered sex offenders in all 92 counties.

The number of registered sex offenders in each county varies from 1,414 in Marion County to 6 offenders in Union County.

One-Day Count of Registered Sex Offenders	
Sex Offenders Population Categories	Number of Counties
Fewer than 36 Registered Sex Offenders	23
Between 36 and 53 Registered Sex Offenders	25
Between 53 and 87 Registered Sex Offenders	21
Between 87 and 573 Registered Sex Offenders	22
1,141 Registered Sex Offenders	Marion County
Source: Indiana Sheriffs Association	

*New Crime* – If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

**Explanation of Local Revenues:** *New Crime* – If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852.